

## Opinion No. 57-87

May 3, 1957

**BY:** OPINION OF FRED M. STANDLEY, Attorney General Joel B. Burr, Jr., Assistant Attorney General

**TO:** Dr. J. J. Clarke, Secretary, New Mexico Board of Dental Examiners, Artesia, New Mexico

### QUESTIONS

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Is a dentist who is legally licensed to practice dentistry in this State, but who is now in the armed services, subject to the annual license fee of \$ 3.00 for the renewal of his certificate as provided in § 67-4-8, N.M.S.A., 1953 Compilation?

#### CONCLUSION

Yes.

### OPINION

#### ANALYSIS

Section 67-4-8, N.M.S.A., 1953 Comp., provides as follows:

"On or before the first day of June each year, **every dentist legally licensed to practice dentistry in this state** shall transmit to the secretary of the said board of dental examiners his signature and address, together with the fee of three dollars (\$ 3) and the number of his or her registration certificate, and receive therefore one renewal license certificate. Any license granted by said board shall be automatically suspended **if the holder thereof fails to apply for the renewal certificate herein provided for within a period of three (3) months after June first of each year.** Provided, any license thus suspended may be restored by the board upon the payment of a fee of ten dollars (\$ 10.00), together with all unpaid fees." (Emphasis supplied.)

In construing the above language, it is the opinion of this office that every dentist legally licensed to practice dentistry in this State is subject to the payment of an annual fee of \$ 3.00 for the renewal of his license certificate; and that the above statute makes it mandatory on the State Board of Dental Examiners to automatically suspend a license if the holder thereof fails to apply for the renewal certificate within the stated grace period.

It would appear to be immaterial that the dentists who are the subject of this opinion are presently out of the State, since the language of the Statute makes no distinction

between dentists legally licensed to practice within the State and those who are actually practicing. The Statute makes all dentists subject to said fee if they wish to maintain their license. Should a license be suspended for failure to apply for a renewal certificate, the Statute sets up a procedure whereby said license may be restored upon the payment of \$ 10.00, together with all unpaid fees. The Statute does not contain any language which would exempt a dentist temporarily out of the State, or one serving in the armed services, from payment of this fee for the renewal of his license.

I trust that this fully answers your question.